

REMARKS

Applicant submits this response to the outstanding final Office Action on the above-identified application. A Request for Continued Examination is being submitted herewith, along with a Supplemental Declaration of Inventor Ira Marlowe under 37 C.F.R. § 1.131. For the reasons set forth below, Applicant submits that the application is in condition for allowance.

All of the pending claims were rejected in the Office Action as being obvious over U.S. Patent No. 6,993,615 to Falcon, the primary reference, in various combinations with the following references: U.S. Patent No. 6,163,079 to Miyazaki, U.S. Patent Application Publication No. 2002/0085730 to Holland, U.S. Patent No. 6,648,661 to Byrne, et al., U.S. Patent Application Publication No. 2002/0180767 to Northway, et al., and U.S. Patent Application Publication No. 2004/0091123 to Stark, et al.. The same rejections were raised in the previous Office Action, and in response thereto, Applicant submitted a Declaration Under 37 C.F.R. 1.131 in an attempt to antedate Falcon (the primary reference) as well as a number of the other references (i.e., Byrne, et al., Northway, et al., and Stark, et al.).

The Office Action rejects the previous Declaration as providing insufficient evidence of actual reduction to practice of the present invention prior to June 4, 2001. Applicant respectfully traverses this rejection, and submits that the previous Declaration was sufficient to establish actual reduction to practice of the invention. The previous Declaration clearly sets forth facts establishing that a prototype docking station was constructed prior to June 4, 2001, which device was positionable remote from a car stereo and included a base portion, an integration device positioned in the base portion, a bottom member defining a cavity for receiving a portable device

external to a car stereo (e.g., a cellular telephone), a bottom member connected to the base portion and defining a cavity for receiving a portable device, and an integration device connected to the base portion and in electrical communication with a car stereo and a portable device for integrating a portable device with a car stereo, as required by all of the currently pending independent claims.

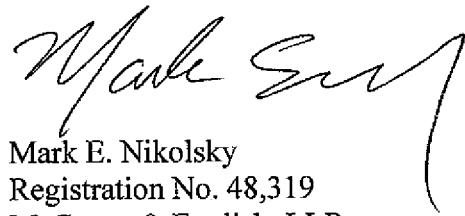
Nevertheless, to advance prosecution of this matter, submitted herewith is a Supplemental Declaration of inventor Ira Marlowe under 37 C.F.R. § 1.131, which provides additional technical details about the docking station described in the previous Declaration. The Supplemental Declaration clearly describes a prototype docking station actually reduced to practice prior to June 4, 2001 (the filing date of Falcon), which has the specific features recited at least in currently-pending independent Claims 1, 15, and 30. Applicant submits that the Supplemental Declaration is sufficient to antedate Falcon, the primary reference relied upon to reject all of the claims of the present application. Since the evidence provided in both the previous Declaration and the Supplemental Declaration show actual reduction to practice of the very features for which Falcon was cited in the Office Action (i.e., a docking station for docking and integrating a portable device for use with a car stereo), Applicant submits that Falcon is effectively sworn behind. As such, all of the pending rejections are rendered moot, since they are all premised upon Falcon as a primary reference in combination with other references.

With respect to a number of other claimed features identified in the Office Action for which actual reduction to practice is alleged to have not been shown in the previous Declaration (i.e., top member hingedly connected to the base portion, integration device wirelessly connected

to car stereo, etc.), these features appear in dependent claims and the Office Action relied on references other than Falcon for allegedly disclosing these features. Accordingly, Applicant does not need to show that the prototype contained such features, in order to swear behind Falcon.

All issues raised in the Office Action are believed to have been addressed. Claims 1-5, 7, 9-19, 21, and 23-41 are pending and are in condition for allowance. Re-examination has been requested and favorable action solicited.

Respectfully submitted,



Dated: 1/9/2009

Mark E. Nikolsky
Registration No. 48,319
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102
Tel: (973) 639-6987
Fax: (973) 297-6624